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REMARKS/ARGUMENTS

Claims 1-5, 8, 9, and 31-41 remain in the application. Claims 6, 7, 10, and 17-30 have been cancelled without prejudice or dedication to the public.

Claims 11-16 have been withdrawn.

The claims have been reviewed and amended to overcome the claim objections identified in the Official Action and to also address the indefinite rejection under 35 U.S.C. 112. The Examiner's thoroughness in reviewing the claims is appreciated.

The claims in the application have been amended and restricted and are believed to more clearly claim the subject matter disclosed in the present application.

Independent claim 1 and independent claim 31 each require that the reinforcing film used as part of the file folder, be a breathable film that allows moisture exchange therethrough. This limitation in combination with the other limitations in each claim is believed to define a combination that fully distinguishes over the prior art.

As noted in the present application, the surface of the labeling tab, as well as the outer surface of the file folder is used in different manners and it is desirable that it satisfy a number of essentially unrelated requirements. With respect to the labeling tab, this is an exposed area of the file folder and therefore, it is important that the reinforcing film reinforce this area and in particular, the connective junction of the labeling tab with the body of the file folder.

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Furthermore, the film on the labeling tab acts as a receiver surface for different multi layered labels that are traditionally applied to the labeling tab to properly identify the file folder. In the past, different properties of the reinforcing film and the labeling tabs has caused a tendency for the labels to peel off this area. On the body of the file folder, it is desirable to have a marking surface where summary information can be noted by manual writing thereon with a pen or pencil. The particular matte finish reinforcing film provides a suitable receptor surface and writing surface. Furthermore, it is desirable to use the breathable reinforcing film as claimed in the present application, in combination with the cellulose base material of the reinforcing film such that it reacts in a way similar to the paper substrate support layer.

In claim 31, the file folder is recyclable. In particular, this is accomplished by using the cellulose base material reinforcing film and the breathable characteristics of this layer assist in the recycling process. The process is further enhanced when the reinforcing film is adhered to the paper substrate by a water based adhesive as defined in dependent claim 32.

Former claims 1, 4-8, 10, 17 through 20, 24-26, 28-37, 40 and 41, were rejected under 35 U.S.C 103 as being unpatentable over Hicinbothem et al. U.S. Patent 5,197,764 in view of Law et al. United States Patent 6,537,407 and Hawes, Jr. et al. United States Patent 5,275,439.

The primary reference discloses a traditional side tab paper substrate file folder having a series of labels applied to the labeling tab.

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The secondary reference of Law et al. in column 1, lines 6 through 64, essentially teaches the lamination over printed paperboard, column 1, line 33. This column further discloses the extruding of the film onto a paper substrate, lines 58 through to the bottom of the page, and suggests effective encapsulation of a paper substrate in a film jacket. Note that in column 2 of this reference, the high humidity levels encountered in the southern United States are discussed and the use of film to stop curl are disclosed. It is noted that the solution disclosed therein results in a product having poor scratch and scuff resistance.

In column 2 of the secondary reference of Law et al. the thermal lamination process disclosed in the application requires applying a melt coating between the film and the substrate and running the film and the substrate while the adhesive is in a heated condition between nip rolls to apply pressure thereto, so as to effect lamination. The adhesive described therein is a hot melt adhesive as it must be thermally activated and as stated in column 2, lines 35 through 45, it is preferably a polyethylene homopolymer or ethylene vinyl acetate copolymer hot melt adhesive layer. This type of adhesive will not produce a breathable reinforcing film as specified in the amended claims. Furthermore, it is believed to be a fundamental and desirable property of the process as disclosed in Law et al. to use this particular hot melt adhesive and as such, any departure from this type of adhesive layer is in contradiction to the teaching of the reference.

Furthermore, the Law et al. reference is designed to protect essentially finished products such as printed menus, books, posters, etc. Therefore, a person skilled in the art would take the finished file folder of the primary reference and apply to it the non breathable film of the secondary reference (Law et al.). There is no suggestion that the film of the

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secondary reference is both a suitable surface for writing, as well as a suitable receiver surface for receiving the particular labels as defined in the dependent claims of the present application.

Independent claim 31 is directed to a recyclable file folder. The present application notes that the file folder can, during its normal life expectancy, be relabeled and the particular file folder disclosed herein allows for pressure sensitive adhesive labels to be placed on the file folder in a manner that they are retained in the file folder for the particular time period but can also be removed if the file folder is to be relabelled. Furthermore the matte surface allows writing on the folder using a pencil or pen and the subsequent erasing of the written material from the film surface. As can be appreciated, this is particularly desirable for a file folder as the purpose of the file folder may change during its life expectancy. At some point in time, the file folder and the entire contents thereof may need to be disposed of. Typically the file folder will have various paper documents secured therein and this particular file folder can be recycled together with the contents. The use of the water based adhesive assists in removal of the reinforcing film from the substrate and if any film remains, it is of a cellulose base and is thus recycled in a more convenient manner.

It is therefore submitted that a person skilled in the art would apply the reinforcing film of Law et al. over the file folder of the primary reference and furthermore, this reinforcing film would not be a breathable film as required by the present claims.

It is respectfully submitted that it is only based on hindsight and knowledge of the particular file folder disclosed

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in the present application that any changes to the primary reference are being considered. There is no suggestion in the secondary reference of Law et al. of using this film in the manner disclosed in the present application and there is no recognition in any of these references of the different requirements that the reinforcing film must meet during the life of the file folder with respect to writing on the file folder with respect to label adhesion and with respect to the desirable property of moisture exchange through the film. There is no effective rationale to combine the references as suggested in the application absent the present disclosure.

As the Examiner can appreciate from a consideration of the file folder as disclosed in the present application, the die cutting of the labeling tab, as well as the die cutting of the file folder will result in exposed edges of the paper substrate. The possibility of encapsulating the file folder within a non breathable plastic film is not practical. This particular problem has been recognized in the present application and in direct contradiction to the prior art, provides a breathable reinforcing film where moisture exchange through the film is tolerated while still providing the desirable writing and reinforcing characteristics of such a reinforcing film.

In view of the above, reconsideration and allowance of the application is requested.

Respectfully submitted,

  
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WH/sdw